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Fortunes and Future of an Idea: the designation of Antarctica as a World Park

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Abstract: On 25 January 2012, United Nations Secretary-General Ban Ki-moon addressed the General Assembly on his Five-Year Action Agenda 2012-2017: "The Future We Want". In his address, Ki-moon outlined a goal to forge consensus around a post-2015 sustainable development framework and implement it. One of the action points of this goal was to “work with UN Member States to make Antarctica a world nature preserve”. Ki-moon’s statement is a recent addition to long-standing debates about the proper use and/or protection of Antarctica. This paper reviews the history of these discussions and the legal instruments and organisations that have been put into place to govern Antarctica. In particular, the paper traces the evolution of the idea that Antarctica should be protected and the varieties of protective frameworks and degrees of protection that have been proposed. The paper uses the term “world park” to mean a legal framework under which Antarctica would be completely protected from mineral and other resource exploitation. The paper argues that establishing Antarctica as a “world park” is needed for the comprehensive and long term conservation of Antarctica and its wildlife, and reducing the direct and indirect human impacts on the continent and surrounding oceans. At the same time, this measure would conclusively address the ongoing question about resource use in Antarctica and remove the possibility of future insecurity and conflict arising from this uncertainty—hence ensuring the Antarctic Treaty continues to achieve its primary goal of maintaining peace and security. Although a UN-mandated “world park” would be desirable in this regard, an analysis of the context of Ban Ki-moon’s statement suggests that his proposed “world nature preserve” would, in practice, not be a “world park” but rather a mechanism to regulate the use of Antarctica’s resources among UN member states. An alternative and more pragmatic pathway towards greater protection of Antarctica, is to therefore build upon the opportunities that exist within the Antarctic Treaty System (ATS). This paper argues that the ATS could build upon the 1991 Environmental Protocol to strengthen environmental protection and environmental security in Antarctica that moves it towards achieving the “idea” of a world park. It could do this by bolstering the Committee for Environmental Protection, reinforcing the ATS secretariat, and pursuing a concerted effort in international forums to protect Antarctica from influences outside the direct control of Antarctic Treaty Parties.

Table of Contents

Abstract 1
Table of Contents 2
Introduction, Aims and Method 3

The Past
Antarctica as a world park—the evolution of an idea 4
UN involvement in Antarctica 9

The Present
Antarctic as a world park—current arguments 10
UN involvement in Antarctica 11

The Future
Antarctica as world park—discussion and evaluation of options 13
Securing a world park through ATS strategic actions 16

Conclusion 18
References 20
Appendix 33

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Introduction, Aims and Method

On 25 January 2012, United Nations Secretary-General Ban Ki-moon addressed the General Assembly on his Five-Year Action Agenda 2012-2017: "The Future We Want". In his address, Ki-moon outlined a goal to forge consensus around a post-2015 sustainable development framework and implement it. One of the action points of this goal was to “work with UN Member States to make Antarctica a world nature preserve”. Ki-moon’s statement is a recent addition to long-standing international debates about the proper use and/or protection of Antarctica (Joyner, 1998).

This debate centres on two essential questions: should Antarctica be owned (and who should own it?) and how should the continent (including surrounding continental shelves and maritime areas) be used? Positions on these two questions range widely, and are affected by changing opinions on and understandings of how Antarctica contributes to international political and economic stability and security. More recently, the understanding of how Antarctica contributes to environmental stability and security has also entered the picture (Hemmings et al., 2012). On the question of *ownership*, positions vary from sovereign claims on the part of a select few nations, though shared stewardship by a larger group of nations, to a fully global commons or “common heritage of mankind” (Herber, 2007). In terms of *use*, views range from wholesale exploitation of the continent, through rational or sustainable use of some resources, through to environmental protection of some aspects, and ultimately to total preservation (Herber, 2007).

The idea that Antarctica should be completely protected dates to the 1970s and is based on a particular view of Antarctica that had developed by that time (Elliot, 1994). Fostered by the environmental movement, Antarctica had become considered as not simply a remote landmass, with abundant marine and potential mineral and hydrocarbon resources, but also a pristine wilderness worthy of protection for its own sake and because of a growing understanding of its contribution to global climate and environmental health. This more recent idea of protecting Antarctica therefore relates to a broader concept of

what Antarctica offers to the world. In this paper, the term "world park" will be used to mean a legal framework under which Antarctica would be completely protected from mineral and other resource exploitation. The "world park" concept has tended to be supported by non-governmental organisations, and a limited few national governments (Finger & Princen, 2013).

This paper traces the evolution of protection regimes for Antarctica, including evaluating the nature and scope of Ban Ki-moon's recent proposal for a "world nature preserve" and comparing this with the "world park" concept. In particular, the paper reviews and analyses the history and potential future of protecting Antarctica as a world park. It evaluates the merits of this arrangement, and offers directions for future action. This paper uses qualitative document review and analysis methodology and draws on journal articles, reports, books and websites. It draws on the records of the Committee for Environmental Protection (CEP) meetings, Antarctica Treaty Consultative Meetings (ATCM), government records, and UN organisations including the UN General Assembly documents, the Office of the UN Secretary General, UN Environment Programme (UNEP), UN Conference on Environment and Development (UNCED) and UN Framework Convention on Climate Change (UNFCCC). The subject of this paper sits within wider body of literature covering the long period of discussions on the future of Antarctica as a world park, and topics on global governance, governance of global commons, sustainable development, international environmental law, and Antarctic politics (see for example Auburn, 1982; Buck, 1998; Dodds, 1997; Francioni and Scovazzi, 1996; Herber, 1991; Herber, 2007; Herr et al., 1990; Joyner, 1992; Joyner, 1998; Joyner and Chopra, 1988; NRC, 1986; Sutter, 1991; Triggs and Riddell, 2007; Volger, 1995; Young et al., 1996; Young, 2010).

The Past

Antarctica as a world park—the evolution of an idea

When explorers first laid national claims to parts of Antarctica during the "golden age of exploration" in the late nineteenth and early twentieth century, environmental protection

was not a consideration. Rather, the reasons for securing national claims to parts of the continent were to do with securing further territory during this last stage of the scramble for colonial influence, and principally to ensure access and use of the area for whaling and sealing. Antarctica was not, however, a greatly desirable prize. ("Great God! This is an awful place," said Robert Falcon Scott (Scott, 1912).) Antarctica was therefore perceived of, such as it was, as a resource—albeit a very remote, and difficult one—to be exploited. The idea that this harsh, dangerous wilderness might need protecting was not something encompassed in the view of what Antarctica was, nor of the nature of the interaction humans had with it. The number of nations with interests and capacity to explore the continent and therefore make claims was also limited, and this lack of competition reduced the potential for conflict over Antarctic ownership and use (Auburn, 1982; Beck, 2010; Herber, 1991).

However, co-existing with the idea that Antarctica offered natural resources—mainly, at this stage, considered to be marine ones—was the idea that Antarctica was worthy of study and that the continent therefore offered scope for science. Douglas Mawson, for one, saw his explorations as principally about investigating the continent and not simply mapping its extent in the name of national acquisition in preparation for using its resources (AAD, 2014).

By the 1950s, the jostle for territorial claims in Antarctica had far more dangerous scope than had been the case even twenty years earlier (Beck, 2010; Herber, 1991). Although the whaling and sealing industries had declined, exploration had revealed potential mineral deposits, and, most importantly, Antarctica's size and remoteness made it appealing to some as a location for nuclear and conventional weapons testing and a location for burying nuclear waste (Herber, 2007). The 1958 Antarctic Treaty System (ATS), entered into by the seven nations that had made territorial claims in Antarctica dating from Britain's claim in 1908 through to Argentina's in 1942, plus five additional signatories including the USA and Soviet Union, set aside claims of sovereignty in an effort to diffuse Cold War tensions concerning the region (ATS, 2014). Instead of "ownership", the ATS system established an administrative regime that was more akin to

"stewardship"—the signatory nations maintained their nominal claims and the bases they had established there but these were not formally designated as possessions. Military and nuclear activity was banned. The ATS therefore drew a curtain across the most fraught issue of ownership, and firmly and totally excluded military use of Antarctica, while leaving open the use of the continent for science and for its marine and mineral resources. The ATS put in place a concept of managing Antarctica by removing potential sources of conflict, either by banning activities or setting aside tense issues (ATS, 2014).

The idea that the Antarctic environment might need to be protected to some extent from human activity dates to the 1960s and is associated with general rising environmental consciousness in that decade (Finger & Princen, 2013). It has roots in earlier conventions regulating the use of marine resources, often referred to as "rational use". For example, the International Whaling Commission (IWC) was established in 1946 to regulate whaling including in the Southern Ocean—managing whale stocks to ensure the continuity of the industry (Hemmings, 2011). The 1972 Convention on the Conservation of Antarctic Seal—in spite of the use of the word "conservation" in its name—was also an agreement on managing sealing, but was never really needed because the market for seal products had collapsed (Hemmings, 2011). The 1980 Convention on the Conservation of Marine Living Resources (CCAMLR) was instituted to regulate the use of krill and fishing stocks in the zone below the Antarctic Convergence (approximately 50 degrees south) and was also an agreement based on rational use. One might interpret these management or rational-use conventions as "partial-protection" agreements, and therefore as the early beginnings of the later more robust protective measures.

The first truly *protection* agreement concerning Antarctica was the 1964 Agreed Measures for the Conservation of the Antarctica Flora and Fauna, part of the ATS framework. These measures prohibited "the killing, wounding, capturing or molesting of native mammals or birds" (ATS, 2014). Whales were excluded from these protections, and sealing was still allowed with permit. The Agreed Measures therefore established, in effect, a bird and plant sanctuary in Antarctica. Importantly, the preamble stated that the measures recognised the scientific importance of the study of Antarctic flora and fauna,

and aimed to achieve the objectives of protection, scientific study, and rational use of these fauna and flora. Over the course of that decade, other agreements were entered into protecting certain species of seals. (The continuing decline in demand for seal fur, oil, and meat also resulted in seal protection by default.) By the 1960s, Antarctica was therefore becoming seen as a "unique" wilderness that, despite its harshness, was also fragile and worthy of and requiring protection, but agreements also maintained a role for "rational use" of Antarctica's resources.

New Zealand suggested in 1975 that Antarctica be made a "world park", managed in a similar way to National Parks. The motivation for the suggestion was two-fold: one, to protect the Antarctic environment, and two to remove mineral resources as a point for potential international conflict. The two motivations were clearly connected, and the latter—removing a source of conflict—paralleled the original motivation behind the ATS concerning peaceful use and de-militarisation of the continent. The suggestion was not, however, taken up by the ATS parties (ATS, 2014). The concept found a warm reception, however, with environmental NGOs (Finger & Princen, 2013). Most notably, Greenpeace adopted the cause in 1979, and ran extensive campaigns throughout the 1980s including establishing a "World Park Base" on Ross Island from 1987 to 1991 (Greenpeace, 2010). Greenpeace's aim was to retain the ATS as the management organisation but to ban mining and protect the wildlife and environment. The Antarctic and Southern Ocean Coalition (ASOC) was another significant promoter of the "world park" idea during the 1980s (ASOC, 2014). Within the ATS, the worry about a scramble for mineral resources motivated an attempt in the 1980s to develop policies on mining resulting in the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) (ATS, 2014). CRAMRA would have allowed signatories to mine in Antarctica, with a regulatory commission and secretariat with its own budget in charge of assessing applications and overseeing activities. Domestic environmental lobbies in Australia and France led these nations in 1988 to refuse to ratify the Convention (Joyner, 1998).

In place of the failed CRAMRA agreement, the ATS developed instead the Environmental Protocol, which was signed in 1991 and ratified in 1998. The

Environmental Protocol represented a shift away from resource management and rational use in the style of the 1972 Convention on the Conservation of Antarctic Seals and towards environmental protection. In addition to the debate concerning mining rights, the Environmental Protocol was also influenced by a number of high impact environmental shipping disasters in the polar regions, especially the Exxon Valdez in Alaska in 1989 (Greenpeace, 2010). Negotiations on the Environmental Protocol between ATS treaty parties, environmental groups, and scientists considered the scope of the protocol and whether Antarctica should be made into a world park (Joyner, 1998). However, the ratified protocol was a more limited agreement than that envisaged in the world park concept. The protocol defines the area of Antarctica below 60 degrees south as a nature reserve, officially designated as a "special conservation area" (Article 3) to be protected and devoted to science (ATS, 2014). Treaty members must implement policies that preserve and protect Antarctica's environment, and ensure that Antarctica doesn't become the object of international discord. Article 7 prohibits all mining, but the protocol allowed for the option for this to be reviewed in 2048 if requested by a party to the protocol.

There are, therefore, certain features of the ATS regime already in place that achieve some of the practical aims of a world park. The continent is not owned by any country, but rather administered by a group of countries (although in practical terms this lack of "ownership" continues to be debateable and a source of tension—Australia refers to its segment as a "territory"; New Zealand as a "dependency"). However, there are gaps in this protective framework that the "world park" concept would address. The Environmental Protocol does not protect all of the Antarctic region (only up to 60 degrees south and not up to the Antarctic convergence), nor does it stop mining indefinitely. That the prospect of mining and hydrocarbon extraction is still possible leads to a great deal of speculation about the motivations and future plans of treaty parties. Moreover, the Convention on the Conservation of Marine Living Resources (CCAMLR) has particularly been criticized for not doing enough to protect krill (Greenpeace, 2010) and has preference over the Environmental Protocol in the protocol's area, and it has a larger area of coverage up to the Antarctic Convergence (approximately 50 degrees south).

UN involvement in Antarctica

The ATS's institution of the Environmental Protocol was also somewhat in response to increasing UN interest in Antarctica (Beck, 2009). The issue of access to Antarctica's mineral resources motivated Malaysia in the early 1980's to request that the UN examine this topic (Hemmings, 2011; Joyner, 1998). Malaysia's request was on behalf of those members of the G77 group of developing countries who were not signatories to the ATS and, at that time, were prevented from becoming so because of the requirement that signatories have a significant Antarctic science program and base (UNGA, 1984). This requirement had effectively limited treaty membership to wealthy countries and those with long-standing interests in Antarctica dating to the golden age of exploration (UNGA, 1984; Joyner, 1989). The subsequent UN Question on Antarctica (1983-2005) raised the issue of establishing Antarctica as a "common heritage of mankind" under which Antarctic resources would be available for exploitation by all countries (Beck, 2009). The principle had been used as the basis for resource use policy in the 1982 UN Convention on the Law of the Sea (UNCLOS) (Joyner, 1998).

Together with the discussion on the common heritage of mankind principle, UN countries also advocated in General Assembly Resolution 44/124 part B for Antarctica to be a "nature reserve" or "world park". General Assembly resolution 45/78A stated that there should be "comprehensive protection" for Antarctica and establishment of a nature preserve within the UN system. General Assembly resolutions adopted since 1991 have repeatedly supported the establishment of Antarctica as a nature reserve through a convention with full participation of the international community, and urged ATS parties to implement monitoring of the Environmental Protocol. Resolutions have also called for a permanent ban on mining, and urged ATS parties to reduce the number of bases through greater international cooperation (See A/46/41 A of 1991). Thus the Environmental Protocol marked an important move towards protecting the environment and associated ecosystems, and responded to a number of these UN resolutions and concerns raised through the Question on Antarctica (Joyner, 1992).

The “common heritage” approach did not garner any widespread support in the UN after 1991 for two reasons. Firstly, the ATS changed its requirements to make treaty membership more accessible and relaxed the requirements to allow countries with less developed science programs and without Antarctic bases to become signatories. This blunted the motivating criticism that the ATS was a “rich man’s club”. (Malaysia became a signatory in 2011 under these new rules). Secondly, the 1991 Environmental Protocol formally instituted resource protection and/or management policies for Antarctica. Together, these two factors made it neither politically feasible nor legally desirable to replace the ATS and its protection structures. (Joyner, 1992; Joyner, 1998)

The Present

Antarctica as a world park—current arguments and issues

The intensifying focus on climate change since the 1990s has added an additional dimension to calls for Antarctica to be made a world park (French & Scott, 2009). This speaks to a shift in how Antarctica has been perceived. For a long time, Antarctica’s geographic remoteness has been a major component of thinking about its use. (For example, the 1940s and 1950s idea that the continent could be used for nuclear weapons testing directed related to its remoteness.) (Herber, 1991). Climatology and ecology have, however, revised this concept of the continent’s apparent disconnectedness. Rather than being distant, isolated and separate, the understanding of Antarctica’s role affecting and mediating global climate and its importance as a breeding ground for marine wildlife has seen Antarctica be considered more connected to global concerns (Grid-Arundal, 2009; Koivurova, 2012; Tin et al., 2012). In turn, this has implications for the number of countries with a vested interest in the continent—no longer just those bordering the Southern Ocean or with the economic power and technology to exploit resources, but all countries and especially those that stand to be greatly affected by sea level rises (Karim & Mimura, 2008; Penna & Rivers, 2013).

The other factor that has strengthened the case for Antarctica to be made a world nature reserve is, in a sense, the converse of the above point: Antarctica itself is also affected by

the actions of countries remote from its immediate region (Tin et al., 2012). Depletion of Antarctic marine resources, impacts on biodiversity, ozone depletion, climate change causing ice melting and sea level rise, and impacts on the global hydrological cycle all give rise to a great sense that Antarctica is connected in a two-way sense with the rest of the world (Joyner, 1998, Tin et al., 2012). The current ATS mechanisms in place to protect Antarctica are limited in the number of countries they involve. Moreover, the mechanisms cannot stop global climate change, the influx of invasive species, pollution, and other external impacts on Antarctic biodiversity (Huettman, 2012). These factors suggest that the impact of human activities on Antarctica need to be considered within a global context, and not only the direct impacts of ATS parties (Tin et al., 2012). There is, therefore, a policy "gap" in protecting Antarctica, one which could be addressed through wider international cooperation and particularly through the United Nations (Puri, 1997).

UN involvement in Antarctica

Since the UN Question on Antarctica ended in 2005, the UN has maintained only a watching brief on Antarctic issues (Beck, 2009). The legal structures that protect it and manage it are those under the ATS. It is therefore striking that on 25 January 2012, United Nations Secretary-General (UNSG) Ban Ki-moon included an action point in the post-2015 sustainable development framework goal to "work with UN Member States to make Antarctica a world nature preserve". This statement apparently derived from his current key focus on climate change and from his visit to Antarctica in 2007. For example, in 2009, he called for greater cooperation "not just among Parties to the Antarctic Treaty and the Antarctic Treaty system, but across the entire international community" to "protect Antarctica's fragile environment and prevent devastating sea level rise" specifically by means of achieving agreement at the climate change conference in Copenhagen later that year (UNSG, 2009). In this earlier statement, Ki-moon saw international agreement on climate change and international agreement on Antarctic protection as intimately connected: "the greatest threat (to Antarctica)," was, he explained, "climate change" (UNSG, 2009). In explaining his call for a world nature preserve, Ki-moon said further that "the Antarctic is an essential ecosystem, like nowhere

else on Earth. We have a chance to save it and we must come together to do so." The "coming together" he envisaged was "through the power of partnerships and a stronger UN" (UNSG, 2009). Ki-Moon's argument was that climate change required global action and therefore Antarctica required global protection.

Given his reasoning and these earlier statements, it is unclear why the Secretary-General included this action point of creating an Antarctic nature preserve under the sustainable development agenda instead of under the climate change goal of his five-year plan (2012-2017). This inclusion suggests that Ki-moon considered climate impacts on Antarctic only one of the issues to be addressed in the creation of a world nature preserve, with rational use—that is "sustainable development"—especially of marine resources to also be included. The UN's approach to the connection between sustainable development and environmental management was developed in the UN Conference on Environment and Development (UNCED) in Rio in 1992 (Karns and Mingst, 2010). One of the main agreements resulting from this conference advocated the idea that countries would have sovereignty over their natural resources and that protecting the environment—while important and desirable—should not be at the expense of development (Schrijver, 2008). Ban Ki-moon's concept of Antarctica as a world nature preserve (when considered within the framework of sustainable development) may therefore in reality allow for protection of some elements of Antarctica such as wilderness and marine mammals, but allow for widened international usage and continued growth of tourism, science, mining and hydrocarbon extraction and fishing in order to continue to promote economic development. The UN vision of a "world nature preserve" may therefore be more in alignment with the concept of a "shared commons" and "common heritage of mankind" concepts as used in UNCLOS and discussed during the UN Question on Antarctica, than a "world park" idea which focuses on preservation and protection of the Antarctic region, and that might have been the original reading of Ban Ki-moon's statement based on his earlier statements upon return from Antarctica.

This analysis is further supported by considering the work of the UN Task Team on the post-2015 sustainable development goals who state that governance of global commons

is an essential part of achieving sustainable development. “Global commons” include Antarctica, the high seas, the atmosphere, and outer space. The Task Team argues that developing a “global governance regime”—by which they mean regulations for rational use by all nations—is important because of pressures on these global commons, such as increasing resource demands, expanding fisheries and bio-prospecting, and scientific research. While the Task Team notes that the ATS is effective in its agreements and arrangements concerning the protection and management of flora and fauna, it is critical of the ATS for not taking an eco-system approach. The implication is that a global governance regime managed by the UN, with its greater participation and greater scope is a better arrangement for managing the Antarctic global commons than the ATS (UNCED, 2013). In effect, by placing this action point of creating a “world nature preserve” under the sustainable development agenda, Ban Ki-moon was perhaps suggesting that Antarctica becomes common heritage of mankind, managed by the UN, and used by all under a “rational use” sustainable development model. This may be why both the ATS parties and the environmental NGOs have not responded to the “world nature preserve” proposal as this idea does not align with either of their objectives or visions for the proper use of Antarctica.

The Future

Antarctica as world park—discussion and evaluation of options

This paper has discussed some of the environmental and climate change reasons for why reaching a whole-world commitment to Antarctic protection would be desirable. A UN-sponsored Antarctic protection agreement would be one way to do this. This is for two reasons: firstly, a broader international commitment to Antarctica protection will help protect Antarctica from external impacts that go beyond the scope of the ATS’s Environmental Protocol, and, secondly, it reduces the possibility of countries not signatory to the ATS circumventing the treaty in the future. But such an agreement would only be preferable to the current ATS-managed protections if the UN sponsored protective framework was different in nature from the “world nature preserve”/”global commons” concept that Ban Ki-moon has seemed to have suggested. To ensure the

protection and preservation of Antarctica the world nature preserve action point would need to be more akin to a world park idea and placed under the climate change goals of the Secretary-General's five-year plan, not the sustainable development goals. A global commons idea under a sustainable development framework would offer less protection than the current ATS framework partly because it would increase the number of countries having access to Antarctic resources and roles in decision-making, and therefore possibly weakening the conservation and preservation aspects of the current protection regime.

For the UN to lead on the proper preservation and protection of Antarctica, the Secretary-General will need to place the action item on the agenda of one of the agencies involved in responding to global environmental issues and climate change, and which has a background on Antarctic issues, such as the UNFCCC, UNEP, UNESCO, or WMO. All of these agencies would be suitable forums in which to lead global Antarctic environmental protection discussions, and better than placing it on the agenda of the post-2015 sustainable development discussions with its concerning implications of shared resource exploitation.

However, UN processes take a long time and there are disadvantages to pursuing Antarctic protection through some of these agencies. UNFCCC has been discussing climate change for 20 years and a comprehensive, effective global agreement is still not in sight. The UNEP was created to advise UN agencies on environmental issues and is considered a weak agency in the UN system (Joyner, 1998). Other technical agencies also have little strength within the UN system and only have an observer/advisory role within the ATS and within the UN. From their websites, it seems that these technical agencies are not particularly engaged with Antarctic issues at the moment: their Antarctic-related web pages have not been updated for some time, and fewer agencies have participated in or sent senior staff to the ATS's ATCMs in recent years (ATS, 2014). There has been much discussion over the past 20 years on the advantages and disadvantages of setting up a world environment organization that is stronger than the UNEP and would manage global environmental concerns, but there has been little concrete progress on this and there is little indication of this occurring in the immediate future (Puri, 1997; Schrijver,

2008; Young, 1996). Furthermore, there is very little interest in Antarctica on the part of other nations not currently signatory to the ATS, as seen by the falling rate of accession to the treaty since 1991 and in UN forums since the UN Question on Antarctica was closed in 2005 (ATS, 2014).

Similarly, there is comparatively little interest on the part of NGOs on Antarctic issues at this time compared with their efforts in the late 1980's. Major environmental NGOs such as Greenpeace (Greenpeace, 2014), and the World Wildlife Fund (WWF) (WWF, 2014) are not currently actively engaged in public advocacy on the issue of comprehensive protection of Antarctica as a world park. Indeed, Greenpeace claims on their website that the ratification of the ATS Environmental Protocol was a "win" for their world park idea and presents the issue as "case closed", in spite of the fact that the Environmental Protocol's protections are softer than those the Greenpeace of the 1980s envisaged. ASOC's focus, along with many of the ocean protection environmental NGOs, currently continues to be on the creation of marine protected areas in the Southern Ocean (ASOC, 2014). This is an important element of Antarctic and southern ocean protection, but does not constitute a comprehensive protective framework. Greenpeace and the WWF currently have much greater attention for public advocacy on the Arctic or broad climate change issues than on the southern polar region. The IUCN has an Oceans and Polar Team, but, again, has an Arctic focus at the moment and does not seem to have included the idea of Antarctica as a world park on the agenda for the World Park Congress in Sydney 2014 (WPC, 2014).

With neither the United Nations nor the NGOs currently focused on broadening Antarctic protections, the most obvious option is for the ATS to consider this and to build on steps they have already taken. According to Young (2010), this would follow the normal pathway for regime change—building on existing norms and practices. There a three principal benefits that would recommend this course of action to the ATS. Firstly, the ATS has already committed to the goal of Antarctica being a nature reserve under the Environmental Protocol. Secondly, removing the possibility that mining and hydrocarbon extraction may be allowed after 2048, and ensuring that CCAMLR strengthens its ability

to manage the rational use of marine resources and has the ability to create MPAs, will remove a great source of uncertainty and potential international conflict. Leaving the door open will contribute to tensions within the ATS and between the ATS and non-signatory nations in the approach to 2048 as countries start to jockey for position for the beginning of the Antarctic "gold rush". Thirdly, if ATS members are seen to be readying themselves for mining and hydrocarbon extract from Antarctica, then non-members may again raise the UN Question on Antarctica with the aim of ensuring Antarctica's resources are a global commons, with all countries extracting their share of the spoils.

It is therefore better for the ATS to be proactive and will thereby help the ATS maintain its legitimacy for governing the Antarctic. Furthermore, making Antarctica a world nature preserve removes a source of potential conflict and helps ensure the Antarctic Treaty continues to achieve its primary goals: to maintain peace and ensure that Antarctica does not become a reason for international discord.

Securing a world park through strategic actions in the ATS

Rather than pursue the world park concept through UN channels, a more realistic approach that would similarly strengthening Antarctic protection would be to build on the existing protective framework administered by the ATS. To do this would, however, require strengthening the ATS itself. A number of scholars have been critical of the way the ATS conducts its activities (see for example Brady et al., 2013; Hemmings et al., 2012; and Tin et al., 2013). A common criticism in this analysis is that the ATS should be more strategic in its planning: less ad-hoc in selecting activities, less reactive in its decision-making, with longer-term policies framed by overall goals (Tin et al., 2013).

The ATS is already taking some steps towards adopting a more strategic approach, but could do more. For example, the ATS has created an ATCM five-year workplan, but the plan has yet to be completed and at the last ATCM only the first year of the plan was developed and agreed (ASOC, 2014; ATS, 2014). The CEP plays the primary role in administering the Environmental Protocol and carries responsibility for most of the measures agreed at ATCMs (Tin et al., 2013). But the CEP is merely an advisory body,

and is a particular focus of criticisms for short-term, reactive decision-making. Most guidelines and codes issued by the CEP are non-binding and, moreover, their implementation by treaty parties is inconsistent. The Environmental Protocol itself (and its six annexes) could offer a basis for strategic activities: the protocol is wide-ranging, with long-term scope. But the protocol is inadequately implemented, hampered by undercurrents of national and commercial interests which slow decision-making. Environmental impact assessment processes have not kept up with increased activity in Antarctica. To address some of these issues, discussions on the strategic vision for the CEP took place between 2005-2008 and a new five-year work plan and agenda outlining the future work of the CEP was established.

Strengthening the role of the CEP would be an important step to help implement this five-year work plan. Young (1996) notes that funds are needed in order for a protocol to be successfully implemented and particularly to assist developing countries overcome technological or financial barriers to their involvement (Young, 1996). For example, the failed agreement on mining, CRAMRA, was to have a Commission, a Secretariat, and a budget attached to it (similar to CCAMLR) to assist its implementation. Yet the Environmental Protocol has no such mechanisms, nor funding to assist the CEP in implementing the protocol. This should be revisited. The CEP would be strengthened by having a secretariat and an independent inspection system (Barnes & Webb, 1996). Hemmings and Kriwooken (2010) also suggest that the Annex on Environmental Impact Assessments be updated to ensure that Comprehensive Environmental Evaluation processes are strengthened to help parties better meet their Protocol commitments.

The CEP five-year workplan includes a focus on climate change and engaging with the UNFCCC (ATS, 2014). This is in recognition that much that affects Antarctica falls outside the immediate jurisdiction of the ATS parties (Herber, 2007). Australia presented a paper outlining the mechanisms for how the ATS should engage with the UNFCCC at the ATCM 35 in Hobart. However, a decision is still pending on this. Instead, the ATCM has relied on the Scientific Committee on Antarctic Research (SCAR, an NGO) to present the ATS position and provide scientific advice to the Inter-governmental Panel on

Climate Change (IPCC) (ATS, 2014). SCAR's Antarctica Climate Change and Environment paper which they delivered to the IPCC and UNFCCC provided a good overview of the findings of climate science in Antarctica (Bindschadler, R. et al., 2009), but by not sending its own representative to the UNFCCC, the ATS failed to take the opportunity to be officially represented in the UNFCCC negotiations. The Australian paper provides good rationale for why the ATS should work with the UNFCCC on climate change issues that impact on Antarctica and should be given further consideration at the next ATCM meeting in Brazil in 2014, leading to a positive decision.

Another option discussed to improve the strategic actions of the ATS is to strengthen the role of the ATS secretariat (Triggs and Riddell, 2007). The secretariat has no international legal standing—it is only responsible for its administrative role in supporting the ATCM and CEP meetings. Though the ATCPs have resisted conferring greater responsibility on the secretariat, a stronger ATS secretariat would assist in promoting the legitimacy and effectiveness of the regime in international forums. To successfully implement a more strategic approach to environmental protection of Antarctica, the ATS secretariat would require significant additional investment on the part of treaty nations. Currently, the ATS secretariat lacks the time, resources and people with appropriate skills and backgrounds to effectively implement organisational changes or policy tasks especially on environmental protection issues (Brady, 2012; Scott, 2003). Treaty parties would need to increase their investment in the scientific research, logistics and infrastructure of Antarctic programs but also in the politically less popular—but as necessary—policy, organisational and administrative aspects of the treaty system.

Conclusions

Debates about the ownership or management of Antarctica and its proper use have had a long and varied history. The evolution of thinking about these points has followed changes in understanding of what Antarctica has offered the world, from simple territorial holdings, remote testing grounds, whaling and sealing footholds, marine resources, scientific laboratory, to being a delicate cog in a global climate. With the rise

of environmental consciousness since the 1960s, and sharpening concerns about climate change since the 1990s, greater emphasis has been placed on regulating the use of Antarctic living resources and, to some extent, in recognition of its uniqueness and role in global climate, protecting the delicate ecosystem. The ATS and its mechanisms have been responsible for managing Antarctica in this way.

In 2012, UN Secretary General Ban Ki-moon called for Antarctic to be made a world nature preserve under the sustainable development agenda. Precise details of Ki-moon's vision are lacking, but there are indications that the "nature preserve" he envisages would, in reality and if implemented, allow rational use of Antarctic resources by all nations. There are, however, some benefits to implementing a protective agreement covering Antarctica within the United Nations framework. A broader agreement, if focused on achieving the world park concept, would help protect the Antarctic environment, and would strengthen the position of the ATS (and especially the Environmental Protocol), and help ensure that Antarctica forever remains a place of science and does not become a cause for international discord. The slow pace of developing international norms and practices suggest that such early steps in this direction should be taken now, well in advance of the review of the Environmental Protocol in 2048. In an increasingly populated and resource-starved world, establishing Antarctica as a world park sooner rather than later will result in more certainty and stability for the region. The ongoing question about mineral extraction in Antarctica and the possibility of insecurity and conflict will otherwise be a source of ongoing concern.

The ATS will need to confront this challenge and there are a number of opportunities within the UN system where the concept of Antarctica as a world park could be placed more firmly on the agenda, especially the UNFCCC post-2015 Kyoto climate change agreement. As noted by Joyner (1998, P.39), Antarctica will be better protected "by prudent policies of environmental reason and legal obligation than by economic ideology driven by aspirations for redistributive justice". The ATS taking a more strategic approach to environmental protection, along with increased investment in the CEP and the ATS Secretariat, is the logical way forward.

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Appendices

Appendix 1 – ATS parties population figures as a percentage of World Population
Data Source – United Nations Department of Economic and Social Affairs – Population Report 2012. Concept and calculation by Russell Miles 2013

	2013	Percentage of world population	2050	Percentage of world population
World	7,162,119,434		9,550,944,891	
Original Signatories or Claimants				
Argentina	41,446,246		51,023,695	
Australia	23,342,553		33,735,400	
Belgium	11,104,476		12,055,434	
Chile	17,619,708		20,839,438	
France	64,291,280		73,211,972	
Japan	127,143,577		108,329,351	
New Zealand	4,505,761		5,777,509	
Norway	5,042,671		6,555,598	
Russian Federation	142,833,689		120,896,083	
South Africa	52,776,130		63,405,086	
United Kingdom	63,136,265		73,130,813	
United States	320,050,716		400,853,042	
	873,293,072	**12.19%**	**969,813,421**	**10.15%**
Consultative Parties including Original Signatories and Claimants				
Argentina	41,446,246		51,023,695	
Australia	23,342,553		33,735,400	
Belgium	11,104,476		12,055,434	
Brazil	200,361,925		231,120,024	
Bulgaria	7,222,943		5,076,871	
Chile	17,619,708		20,839,438	
China	1,385,566,537		1,384,976,976	
Ecuador	15,737,878		23,060,683	
Finland	5,426,323		5,693,364	
France	64,291,280		73,211,972	
Germany	82,726,626		72,566,201	
India	1,252,139,596		1,620,050,849	
Italy	60,990,277		60,014,909	
Japan	127,143,577		108,329,351	
Korea (ROK)	49,262,698		51,034,230	
Netherlands	16,759,229		16,918,746	
New Zealand	4,505,761		5,777,509	
Norway	5,042,671		6,555,598	
Peru	30,375,603		41,083,525	
Poland	38,216,635		34,078,780	
Russian Federation	142,833,689		120,896,083	
South Africa	52,776,130		63,405,086	
Spain	46,926,963		48,224,374	
Sweden	9,571,105		11,934,388	
Ukraine	45,238,805		33,657,681	
United Kingdom	63,136,265		73,130,813	
United States	320,050,716		400,853,042	
Uruguay	3,407,062		3,641,300	
	4,123,223,277	**57.57%**	**4,612,946,322**	**48.30%**
Non-Consultative				
Austria	8,495,145		9,354,086	
Belarus	9,356,678		7,359,467	
Canada	35,181,704		45,227,541	
Colombia	48,321,405		62,941,566	
Cuba	11,265,629		9,392,015	
Czech Republic	10,702,197		11,218,189	
Denmark	5,619,096		6,361,239	
Estonia	1,287,251		1,120,940	
Greece	11,127,990		10,667,585	
Guatemala	15,468,203		31,426,436	
Hungary	9,954,941		8,954,439	
Korea (DPRK)	24,895,480		27,075,539	
Malaysia	29,716,695		42,112,581	
Monaco	2,839,073		3,753,148	
Pakistan	182,142,594		271,081,825	
Papua New Guinea	7,321,262		13,092,412	
Portugal	10,608,156		9,843,493	
Romania	21,698,585		17,808,862	
Slovak Republic	5,450,223		4,989,526	
Switzerland	8,077,833		10,977,129	
Turkey	74,932,641		94,606,213	
Venezuela	30,405,207		42,375,609	
	564,867,988	**7.89%**	**741,739,840**	**7.77%**
Total Population Consultative and Non-Consultative	**4,688,091,265**	**65.46%**	**5,354,686,162**	**56.06%**